

12 obtaining the type specific object, being one of the plurality of type specific
objects, via the computer.--

Remarks

Claims 3 and 11-13 are currently pending in the application.

Claim 3 is hereby amended.

Claims 11-13 are hereby newly added.

Claims 1-2 and 4-10 were previously withdrawn, without prejudice, in response to a
restriction requirement.

The following remarks respond to the specific grounds stated in the office action:

1. Claim 3 was rejected under 35 USC 101.

The examiner contends that the claimed invention was directed to non-statutory subject matter. Applicant has hereby amended the claim to reference a "computer" as an element involved in the steps of the method. As used in the claims, the term "computer" is intended and should be given its broadest and most comprehensive and complete construction, including, without limitation, the computer is any processing device, processor, communications device, logic circuit, personal computer, PDA, or other device or combination of devices that have the function of processing or can process when combined with other and further elements.

2. Claims 3 was rejected under 35 USC 112.

The examiner contends that the claim is indefinite or vague in the use of the phrase "because of the code". Applicant hereby amends the claim to provide that the step of creating operates to give a type specific object "from the code". The type specific object corresponds or

is associated with or representative of the particular code. Thus, there is relationship between the code and the particular type specific object. This clarifies the concerns of the examiner.

3. Claim 3 was rejected under 35 USC 103.

The examiner contends that the claim is obvious in view of Davidson. Particularly, the examiner cited Davidson for showing: parsing an XML document; acquiring the XML document; associating the XML document with a call; calling a code; and creating a type specific object. The examiner specifically commented that “See Davidson’s abstract, in which he discloses *creating a parse tree from an application description file*”.

The examiner’s point is well taken, and furthermore itself distinguishes Davidson from the claim as hereby amended. Particularly, the concept or step of creating a parse tree from a document is not involved in Applicant’s claimed invention. In fact, a basic concept of Applicant’s claimed invention is that no parse tree is created or necessary to achieve the result of a particular type specific object from an XML document. This is a ground for Applicant’s patentability.

It would not have been obvious to achieve the result of a particular type specific object from an XML document without creating any parse tree. Applicant’s claimed invention is directed particularly to creating the type specific object from the XML document, via use of a call associated with the XML document and wherein the call involves a particular code that gives the object. There is not any parse tree required.

Applicant’s specification at page 16, commencing at line 19, emphasizes this distinction. Particularly, the specification there states that “But, it is important to note that the object itself is doing this, and further, that no other parse tress or duplicate structures have been constructed.” There are significant advantages to Applicant’s inventions, because it does not require, first,

creation of a parse tree using a parser and, then, copying data from those structures into type-specific objects. Rather, a main advantage of Applicant's inventions is that it avoids creating a generic parse tree to begin with.

The entire process of Applicant's inventions is further detailed in the newly added claims. Particularly, the newly added claims describe "associating the type-specific object classes with the XML document" itself, not with any parse tree of the document (e.g., new claim 11). Moreover, the newly added claims describe that any parsing is of "the XML document to instantiate the type-specific object classes", further distinguishing that any parse is of the XML document and not a generic parse tree created from the document. The significance of Applicant's claimed inventions is that the result, a type specific object, is obtainable with great expedience and efficiency – particularly in comparison to any old methods requiring creations of some extrinsic and generic parse tree in order to obtain the result.

Notwithstanding Applicant's argument herein regarding the distinguishable features of Applicant's claimed inventions, Applicant submits that his invention predates the reference. If and to the extent as may be necessary or required by the examiner, Applicant can provide appropriate dating evidence. Applicant submits that, based on the foregoing explanation and background, the dating is not critical for allowance of the claims, as the claims can now be better understood as patentably distinguished in any event.


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Applicant, having fully responded to the Office Action, requests reconsideration and allowance of the claims, and issuance of a patent thereon. If the Examiner has any questions or wishes to discuss any matter herein, the Examiner is respectfully requested to call the undersigned at (512) 477-3830.

If any fees are due with this response the Commissioner of Patents is authorized to charge them to Deposit Account No. 50-1350.

Respectfully submitted,

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